



Transport Act 1962

1962 CHAPTER 46

PART III

TRANSPORT CHARGES AND FACILITIES

Miscellaneous

52 Independent railway and inland waterway undertakings

- (1) Sections three and four of the Transport Charges, &c. (Miscellaneous Provisions) Act, 1954 (under which charges schemes under the Transport Act, 1947, may be applied to independent undertakings), together with any orders under those sections, shall cease to have effect, and the enactments listed in the Eighth Schedule to this Act shall cease to have effect not only as regards the Boards but also as regards any other undertakings.
- (2) Paragraph (b) of subsection (1), and subsections (2), (3), (5) and (6) of section forty-three of this Act shall apply to any independent railway undertaking or independent inland waterway undertaking, subsection (7) of that section shall apply to any independent railway undertaking, and subsection (8) of that section shall apply to any independent inland waterway undertaking, as those subsections apply to the Boards.
- (3) Paragraph (b) of subsection (1) of section six of the Transport Charges &c. (Miscellaneous Provisions) Act, 1954 (which relates to the revision of charges), shall not apply to any inland waterway undertaking which is an independent inland waterway undertaking within the meaning of this section.
- (4) In this section—
 - " independent railway undertaking " means a railway undertaking not forming part of the undertaking of any of the Boards, being an undertaking the carrying on of which is authorised by, or by an order made under, an Act of Parliament;
 - " independent inland waterway undertaking " means an undertaking not forming part of the undertaking of any of the Boards, being an undertaking

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engaged in conserving, maintaining, improving or working a canal or other inland navigation or the navigation of a tidal water, but does not include—

- (a) an undertaking none of the charges of which has been the subject of a Provisional Order made, and confirmed by Parliament, in pursuance of sections twenty-four and thirty-six of the Railway and Canal Traffic Act, 1888, or
- (b) an undertaking forming part of a harbour undertaking if the inland waterway is situated wholly within the limits of the harbour, or
- (c) an undertaking all or any of the charges of which are, under the statutory provisions relating to that undertaking, subject to revision by the Minister and some other Minister acting together ;

" railway " does not include—

- (a) a light railway laid wholly or mainly along a public carriageway and used wholly or mainly for the carriage of passengers, or
- (b) a railway which, under the statutory provisions relating thereto, is to be treated as forming part of a tramway, or
- (c) a railway laid wholly or mainly over a beach or wholly along a pier, or
- (d) a railway of the nature of a lift providing communication between the top and bottom of a cliff;

" undertaking " means an undertaking carried on in Great Britain.

- (5) This section shall apply to an independent railway undertaking or independent inland waterway undertaking whether or not the undertaking is also engaged in other activities, but shall not apply in respect of any such other activities.

53 Coastal shipping

- (1) If at any time a complaint is made to the Minister by any body appearing to him to be representative of the interests of persons engaged in coastal shipping as to—
 - (a) the charges for the carriage of goods by rail made by the Railways Board in competition with coastal shipping, or
 - (b) the charges made by the Railways Board for the carriage by rail to or from any harbour of goods which are to be or have been carried by coastal shipping,
 the Minister may give directions to the Board with regard to the charges which are the subject of the complaint.
- (2) The Minister shall not give a direction under this section with regard to any such charges as are mentioned in paragraph (a) of the foregoing subsection unless it appears to him—
 - (a) that the charges in question are inadequate having regard to the full cost of affording the service or services in respect of which they are made, and
 - (b) that a grant out of money provided by Parliament has been or is likely to be made under this Act to the Railways Board to meet a deficit on revenue account for the year in which those charges are made.
- (3) The Minister shall not give a direction under this section with regard to any such charges as are mentioned in paragraph (b) of subsection (1) of this section unless it appears to him—
 - (a) that the charges in question are excessive having regard to the full cost of affording the service or services in respect of which they are made, and

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- (b) that the goods in question cannot reasonably be carried by coastal shipping unless they are carried by rail to or from the harbour specified in the complaint.
- (4) If it appears to the Minister that a body making a complaint under subsection (1) of this section has a reasonable case to make in support of the complaint, he shall refer the complaint for investigation to a person appearing to him to have suitable qualifications for that purpose, and the Minister shall consider the report of that person before giving a direction upon the complaint under this section:

Provided that this subsection shall not apply to a complaint if it appears to the Minister that he has no power to give a direction upon the complaint by reason of paragraph (b) of subsection (2), or paragraph (b) of subsection (3), of this section.

- (5) If it appears to the Minister on a complaint by any such body as is mentioned in subsection (1) of this section—
 - (a) that the Railways Board have refused to quote a charge for the carriage by rail to or from any harbour of goods which are to be or have been carried by coastal shipping, and
 - (b) that the goods in question cannot reasonably be carried by coastal shipping unless they are carried by rail to or from the harbour specified in the complaint, the Minister may give directions to the Board requiring them to quote a charge for the carriage in question.
- (6) The procedure on any complaint under this section (including any reference of the complaint for investigation) shall be such as the Minister may determine.
- (7) In this section, references to a charge made by the Railways Board for the carriage of any goods include references to a charge at which the Board hold themselves out as willing to carry any goods.
- (8) The Coastal Shipping Advisory Committee established under section seventy-one of the Transport Act, 1947, is hereby abolished.

54 Advance information about railway and shipping closures

- (1) With a view to giving the public advance notice of plans for the discontinuance of—
 - (a) railway passenger or goods services provided by the Railways Board or the London Board, and
 - (b) shipping services provided by the Railways Board,the Railways Board or the London Board, as the case may be, shall from time to time publish in such manner and in such places in the United Kingdom as the Minister may direct such information as to their plans as the Minister may determine.
- (2) For the purposes of this section, any shipping service provided by the Caledonian Steam Packet Company Limited or the Caledonian Steam Packet Company (Irish Services) Limited shall, so long as the company providing the service is a subsidiary of the Railways Board, be deemed to be a service provided by that Board.